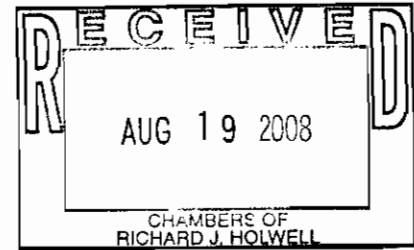


TRIEF & OLK
ATTORNEYS AT LAW
150 EAST 58TH STREET
34TH FLOOR
NEW YORK, NEW YORK 10155



FACSIMILE: (212) 317-2946

TELEPHONE: (212) 486-6060

E-MAIL: FIRM@TRIEFANDOLK.COM

NEW JERSEY OFFICE

9 KANSAS STREET
HADDONSBURG, NEW JERSEY 07601
(201) 343-5770

August 19, 2008

Hon. Richard J. Holwell
United States District Court - Southern District
500 Pearl Street
New York, NY 10007-1312

Re: Lin v. Metropolitan Life Insurance Company
2007 Civ. 03218 (RJH)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/2/08

Dear Judge Holwell:

I represent the plaintiff, Jean Lin, in the above-referenced action. In my opposition to the Motion for Summary Judgment of the defendant, I argued that the motion should be denied on the grounds that the defendant failed to include a Rule 56.1 statement of facts.

Recently, defendant submitted such a statement with its Reply.

I am writing to the Court in order to determine if it will consider the statement of facts submitted by defendant, and if so, whether plaintiff should submit a response. I would also like to advise the Court that I will be away from the office beginning August 22 and will return on September 8, 2008.

Plaintiff may, but is not required to submit a response addressing issues of fact or law raised

Respectfully submitted,

Eric Dinnocenzo
(ED-3430)

cc: Tomasita Sherer, Esq.

by defendant's submission

SO ORDERED

USDC 8/28/08